

CIVIL DOCKET

CIVIL 10

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106 Rev.

TITLE OF CASE

ATTORNEYS

UNITED STATES OF AMERICA, by
NICHOLAS deB. KATZENBACH,
Attorney General of the United
States,

For plaintiff:

Charles M. Conway
United States Attorney
Fort Smith, Arkansas

v.

JUNCTION CITY SCHOOL DISTRICT No. 75;
R. L. BOLEN, Superintendent of
Education of the Junction City
School District No. 75; LEON RAY,
President; M. E. FORD, ROY FISH,
P. P. GRIFFIN and FRED JONES,
Members, Board of School Directors
of Junction City School District
No. 75

ARKANSAS ACTIVITIES ASSOCIATION

Party-Dert. 10/28/69

For defendant:

Bill J. Davis
Prosecuting Atty's Office 1102 E. Elm
Union County Courthouse 416 E. Main
El Dorado, Ark. *Ex 749*

For deft: Ark. Activities Ass'n
Smith, Williams, Friday & Bowen
1100 Boyle Bldg.,
Little Rock, Ark. 72201

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed

Clerk

J.S. 6 mailed

Marshal

Basis of Action: Suit under
Sec. 407(a) and (b) of
Civil Rights Act of 1964
to enjoin defts. from
~~maintaining~~ maintaining
dual-school system based
upon race or color.

Docket fee

Witness fees

Depositions

DATE	PROCEEDINGS
2-7-66	Complaint filed. Summons, with 7 copies, issued & del. to Mar. for serv., together with 7 copies of complaint.
2-23-66	Summons ret'd. exec. as to Junction City School Dist No. 75, Leon Ray, President, Roy Fisi., Fred Jones and M. E. Ford, filed.
3-3-66	Memorandum Brief of Junction City School Board, filed Motion to Dismiss, filed.
3-10-66	Order, Signed by Judge Harris, that the motion filed herein by the Defts. March 4, 1966, to dismiss the above entitled cause for lack of jurisdiction be and is set for hearing on March 21, 1966, at 10 A. M. in the U. S. Courtroom at El Dorado. Order filed. Letter of Transmittal to Counsel Copy of Transmittal letter filed.
3-18-66	Memorandum in Opposition to Defendants' Motion to Dismiss, filed.
3-21-66	Hearing on Motion of Defts. to dismiss. Court orally announces from the bench its opinion, and that the motion would be dismissed, and defts given 10 days in which to file answer. Order overruling motion to dismiss, filed. Order filed. Copy of order to counsel. Copy of transmittal letter filed. Memorandum Opinion of Judge Harris, filed.
3-25-66	Plaintiff's Motion for Production of Documents, filed. Notice of Motion for Production of Documents, filed. Memorandum of Authority in Support of Motion for Production of Documents, filed.
3-30-66	Answer of defendants filed.
4-8-66	Order granting Plff's Motion for Production of Documents. Order filed. Copy of order to Counsel. Copy of transmittal letter filed.
6-21-66	Plaintiff's Notice of Motion and Motion for Preliminary Injunction, filed.
6-29-66	Def't's. Answer to Motion for Preliminary Injunction, filed.
7-19-66	12 Subpoenas, with copies, issued in blank and del. to Mr. Mike Foster, Civil Rights Divn., Dept. of Justice for service.
7-20-66	2 Plff's. Duces Tecum Subps., with copies, issued and del. to Mar. for serv. D/Ark., retbl. 10:00 A. M., U. S. Courtroom, El Dorado, Arkansas, 7/21/66.
7-21-66	Plff's. Duces Tecum Subp., with copy, retbl. 9:00 A. M. U.S. Courtroom, El Dorado, Ark, July 22, 1966, issued and del. to Mar. for serv. D/Ark.
7-22-66	Hg. on Plff's motion for preliminary injunction. Evidence presented. Swg. 5 Plff's witnesses. Gov. rests. Defts. rest. Action on motion deferred and case set for trial on its merits August 11, 1966, at 9:00 A. M. Witnesses directed to return on said date. Evidence presented to-day to be considered as evidence on the merits. Order filed. Copy of order to counsel. Copy of transmittal letter filed.
7-26-66	2 Plff's. Subps., returnable 7/21/66, U.S. Courtroom, El Dorado, Ark., ret'd. as executed WD/Ark., filed. at request of
8-10-66	Plff's. Duces Tecum Subp., with copy, issued and del. to Mr. Mike Forster for serv. D/Ark., retbl. 2:00 A. M., U. S. Courtroom, El Dorado, Ark., Aug. 11, 1966. Plff's Duces Tecum Subp., with copy, issued at request of and del. to Mr. Mike Foster for serv. D/Ark., retbl. 10:00 A. M., U.S. Courtroom, El Dorado, Ark., August 11, 1966.
8-11-66	Trial on merits. Court orally announces its findings and requests counsel for the government to draw a decree in accordance therewith.
8-15-66	Plff's. Subp. ret'd. as exec. D/Ark., filed.
8-15-66	Order permanently enjoining and restraining the Junction City School Dist No. 75 from operating racially segregated public schools in the district and requiring elimination of segregation with speed in the district. Order filed. Copy of order to counsel. Copy of transmittal letter filed.

DATE	PROCEEDINGS	De Judg
9-1-66	Defendants' Report, filed.	
10-10-66	Plaintiff's Objections to Defendants' Proposed Plan of Desegregation and Submission of Plaintiff's Proposed Freedom of Choice Plan, filed. Plaintiff's Motion for Hearing on Defendants' Proposed Plan of Desegregation, Plaintiff's Objections, and Plaintiff's Proposed Plan, filed.	
11-28-66	Hr. on Defendants' proposed plan of desegregation, Plaintiff's objections and Plaintiff's proposed plan. Court does not accept either plan and directs that the parties submit a practical and realistic plan within 30 days etc. Counsel for plaintiff to prepare and submit form for order.	
11-29-66	Order, dated November 28, 1966, the Court finds that neither proposed plan is acceptable in toto. Defts. are directed to institute a good faith freedom of choice plan for desegregation of the 11th and 12th grades beginning in January 1967. Defts. are directed to prepare and deliver to all patrons of the district, who will have children in the 11th and 12th grades, an acceptable freedom of choice form by Dec. 10, 1966, returnable on or before Dec. 26, 1966. Defts. are directed to assign students in these grades in accordance with their choices, and if overcrowding occurs, preference should be given on the basis of the proximity of the school to the homes of the students choosing it, without regard to race or color. If no choice is exercised, student would be assigned to the school nearest his place of residence, without regard to race or color. On or before January 5, 1967, defts. are directed to submit to the Court a copy of the choice form and explanation accompanying it, and report the names of persons of each race who were given a freedom of choice, the choice exercised by the student, and the school to which the student is assigned for January 1967 semester. And if a student has been assigned to a school other than their choice, the reasons therefor; the Court further orders that the parties have an additional 30 days to propose a freedom of choice plan directed at the achievement of desegregation, consonant with the comments of the Court. At the conclusion of 30 days the parties are directed to report to the Court their progress in this respect. The Court will then, promulgate it's Order for the desegregation of the deft. school district.	
	Order filed. Copy of order to counsel. Copy of transmittal letter filed.	
1-5-67	Defendants' Report, filed.	
4-14-67	Deft's Motion for approval of attached plan of desegregation, filed.	
4-26-67	Memorandum in Opposition to Defendants' Motion and proposed desegregation plan filed Apr. 14, 1967, filed.	
6-6-67	Hr. on Proposed Plan for Desegregation of Deft. School District. Statements of Counsel. Order directing School District submit an amended plan of desegregation within ten days from this date, after receipt of same plff. to reply within five days. Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed.	
6-13-67	Defendants, Modified Plan of Desegregation, filed.	
6-21-67	Reply to Defendants' Modified Proposed Plan of Desegregation, filed.	
8-0-67	Report of Junction City School District, filed. Tom W. Top enrolled as atty in the case representing Civil Rights Division of Dept. of Justice.	

DATE	PROCEEDINGS
	<p>Ag. on Desegregation plan and exceptions thereto. Modified Desegregation plan offered by defts. accepted, except the four points raised by plff in its reply. Court states from bench its findings on the exceptions of plff and counsel requested to prepare precedent in accordance therewith.</p>
8-14-67	<p>Decree with Findings of Fact, Conclusions of Law, and Proposed Plan of Desegregation of Junction City, Arkansas, School Dist. No. 75, as Modified by the Court, attached, ordering defts. to desegregate said district in accordance with the modified desegregation plan; defts. are enjoined from operating a dual school system based on race or color of students; attached plan is approved and during period of transition to desegregated school system the Court retains jurisdiction of this cause.</p> <p>Decree filed. Copy of decree mailed to counsel. Copy of transmittal letter filed.</p>
12-6-67	Report of Junction City, Ark., School Dist. No. 75, filed.
5-24-68	<p>Report of Junction City, Arkansas, School District No. 75, et al, filed.</p> <p>Plff's Motion for Order Requiring Consolidation of Schools, filed.</p>
6-3-68	Response to Motion, filed.
6-7-68	<p>Plff's Motion for Order Permitting Inspection of Schools, filed.</p> <p>Plff's Memorandum in Support of Motion for Order Permitting Inspection of Schools, filed.</p> <p>Affidavit of Bernard W. Shapiro, Attorney, Department of Justice, filed.</p>
6-12-68	Amended Motion for Order Permitting Inspection of Schools filed by plff.
6-14-68	Defendants' Response to Motion, filed.
6-17-68	<p>Order, on motion of plff., directing defts. to make available to plff. and its expert witness all school buildings and facilities of Junction City School Dist. No. 75 for purposes of inspection on July 2, 1968.</p> <p>Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed.</p>
6-26-68	<p>Certif. copy of order mailed to US Atty.</p> <p>Plff's Notice of Deposition of Mr. R. L. Bolen at US Atty's Office in U. S. Post Office Bldg., El Dorado, Ark., on July 3, 1968, at 10 a. m., filed.</p>
6-27-68	Plaintiff's Request for Admissions, filed.
7-1-68	US Subp. Duces Tecum, ret'd. 10 a. m., July 3, 1968, El Dorado, Ark., ret'd. as exec/D, Ark., filed.
7-3-68	US subp. duces tecum, with copy, ret'd. 10:00 a. m., Courtroom, El Dorado, 7-3-68, directed to Roy Bolen, Supt. Schools Junction City, Ark., issued at request of Charles Quaintance, Justice Dept., and delivered to him for serv.
7-8-68	<p>Order granting defts. until and including July 12, 1968, to answer requests for admissions filed by plff., in that plff. is in possession of defts. records.</p> <p>Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed.</p>

DATE	FRANK-PROCEEDINGS	CLERK'S FILE		REMARKS
		PLAINT	DEFENSE	
7-18-68	Defts' Answer to Request for Admissions, filed.			
7-31-68	Court Reporter's Notes of August 9, 1967, autographically reported, filed.			
8-1-68	6 U. S. Subps., each with 1 copy, retbl. 8-8-68, 10:00 a.m., El Dorado, Ark., del. to Mar. for serv/WD Ark. 2 U. S. Subps. duces tecum, each with 1 copy, retbl. 8-8-68, 10:00 a. m., El Dorado, Ark., del. to Mar. for serv/WD Ark.			
8-2-68	3 U. S. Subps. duces tecum, each with 1 copy, retbl. El Dorado, Ark., 8-8-68, 10 a. m., del. to Mar. for serv/WD, Ark.			
8-6-68	Pretrial Memorandum for the United States, filed. Praecipe of Bernard H. Shapiro, Dept. of Justice, for one plff subp. duces tecum retbl. 10 a. m., 8-8-68, El Dorado, Ark., filed. Praecipe of Bernard H. Shapiro, Dept. of Justice for 4 plff's subps. retbl. 10 a. m., 8-8-68, El Dorado, Ark., filed. 1 plff Subpoena Duces Tecum retbl 10 a. m., 8-8-68, El Dorado, Ark., issued with copy and del., at his request, to Mr. Bernard H. Shapiro, Dept. of Justice, for serv. 4 Plff's. subps., with one copy each, retbl. 10 a. m., 8-8-68, El Dorado, Ark. issued and del., at his request to Mr. Bernard H. Shapiro, Dept. of Justice, for serv.			
8-7-68	2 plffs subps retbl 10 a. m., 8-8-68, El Dorado, ret'd. as exec/WD, Ark., filed. 2 plffs. subps retbl 10 a. m., 8-8-68, El Dorado, ret'd. unexec., filed. 1 plff subp duces tecum retbl 10 a. m., 8-8-68, ret'd. as exec/WD, Ark., filed.			
8-8-68	5 plffs' subps. retbl 10 a. m., 8-8-68, El Dorado ret'd. as exec/WD, Ark., filed. 3 plffs' subps duces tecum retbl 10 a. m., 8-8-68, El Dorado, ret'd. as exec/WD, Ark., filed. Hg. on plff's. motion, filed May 24, 1968, for an order requiring consolidation of schools. Arguments of counsel. Court dictates into the record its oral opinion. Counsel for plff. directed to prepare and submit precedent for an order in accordance with courts oral opinion. Messrs. Bernard H. Shapiro and Frank Hill, attorneys, Dept. of Justice, Washington, D. C., enrolled as attorneys for plff. for the purpose of this hearing. Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed. Order approved 8-14-67 cancelled as unacceptable; defts. ordered to propose an alternate plan for conversion of system to a unitary system; schools to commence operation Sept. 1968 on fradion of choice plan; court retains jurisdiction and reserves decision, at request of govt., for relief commencing with semester in Jan. 1969			
8-9-68	1 Plffs' subp retbl 10:00 a. m., 8-8-68, El Dorado, ret'd. unexec., filed.			
8-12-68	Plff's. subp. duces tecum, retbl. 10 a. m., 8-8-68, El Dorado, ret'd. as exec/WD, Ark., filed. Plff's. subp. duces tecum, with copy, retbl. 10 a. m., 8-8-68, El Dorado, ret'd. as unexec/WD, Ark., with notation, "unable to located WD/Ark., filed.			

CIVIL NO. 1095

DATE	FILED-PROCEEDINGS	CLERK'S PAGE		REMARKS RECEIVED BY RECEIVED
		RECEIVED	RECEIVED	
11-15-68	Court Reporter's Notes of August 8, 1968, autographically reported, filed.			
	Court Reporter's Transcript of hearing held on August 8, 1968, Pages 1 through 118, filed.			
11-27-68	Report of Junction City School Dist. No. 75, filed.			
1-7-69	Response to Defendants' Proposed Plan for the Desegregation of Schools, filed.			
1-15-69	Præcipe for subp. duces tecum filed by plff.			
	Plff. Subp., duces tecum directed to R. L. Hoken, Junction City, Ark. retbl. U. S. Courtroom, El Dorado, 10 a. m., 1-16-69, issued with copy and del to Mar. for serv/ND, Ark.			
1-16-69	Plff's subp duces tecum ret'd. as exec/ND, Ark., filed.			
	Præcipe for subp filed by govt.			
	Plff subp. directed to Horace Williamson, El Dorado, retbl. U. S. Courtroom, El Dorado, 10 a. m., 1-16-69, issued with copy and del. to Mr. Bernard H. Shapiro, atty., Dept of Justice, at his request.			
	Hg. on Defts' Proposed Plan of Desegregation.			
	Evidence on behalf of defts. presented.			
	Court directs defts. to submit an analysis and proposed method of putting into effect their desegregation plan; also, defers decision in this matter until April 1, 1969.			
1-20-69	Plff's subp. ret'd. as exec/ND, Ark., filed.			
	Plff's. subp. duces tecum ret'd. as exec/ND, Ark., filed.			
	Order, dated January 20, 1969, and signed by Judge Harris, directing defts. to submit an analysis and proposed method of putting into effect their desegregation plan so that said plan will comply with constitutional requirements for complete desegregation; Court also defers decision in this matter until April 1, 1969, date of further hearing.			
	Order filed.			
	Copy of order mailed to counsel.			
	Copy of transmittal letter filed.			
4-1-69	Copy of letter, dated March 28, 1969, directed to counsel for defts., from counsel for plff., filed at request of counsel for plff., requesting a copy of analysis and proposed method of desegregation which court required filed prior to April 2, 1969, filed.			
	Defts' Amended Plan for Desegregation, filed.			
4-2-69	Hg. on defts.' proposed plan for desegregation of the schools of Junction City SD No. 75.			
	Deft. Junction City SD No. 75, through its counsel, requests the court to disapprove its proposed amended plan filed April 1, 1969, and requests additional twenty days to submit its revised plan.			
	Order disapproving defts' amended plan filed April 1, 1969, and directing defts. to file within twenty days an additional plan for the desegregation of the schools of Junction City SD No. 75 and allowing plaintiff ten days in which to respond to such additional plan of defts.			
	Order filed.			
	Copy of order mailed to counsel.			
	Copy of transmittal letter filed.			
4-21-69	Defts' Amended Plan of Desegregation, filed.			

DATE	PLAINT-PROCEEDINGS	CLERK'S FILE		ADJUDICATORY RECORDS RETURNED
		REPLY	REPLY	
4-30-69	Court Reporter's Notes of January 16, 1969, autographically reported, filed. Court Reporter's Notes of April 2, 1969, autographically reported, filed. Court Reporter's Transcript of Hearings held on January 16, 1969 and April 2, 1969, Pages 2-37, filed.			
5-5-69	Response to Report of Defendants, filed.			
5-9-69	Order, dated May 9, 1969 and signed by Judge Harris, approving proposed plan of Junction City School District No. 75, filed herein on April 21, 1969, for desegregation of the schools. Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed.			
8-8-69	Petition to amend desegregation plan, filed.			
8-19-69	Hearing on petition to amend order of 5-9-69, filed August 8, 1969. Statements of counsel. Evidence on behalf of school district presented. Court grants petition to continue freedom of choice-grades 7 and 8. Counsel for defendant to prepare precedent for order. Order, signed by Judge Harris, approving defendants amended plan of desegregation filed August 8, 1969. Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed.			
10-20-69	Motion for Order Making Arkansas Activities Association Party Defendant, filed.			
10-28-69	Order, on motion of deft., making Arkansas Activities Association party deft. herein; directing service of Order together with copy of Motion, and giving 10 days in which to file a response. Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed. Summons, with copy, and copy of Motion and Order attached, issued and mailed to the Mar. for serv/ED, Ark. Summons ret'd. as exec/ED, Ark., filed.			
11-6-69	Arkansas Activities Association's Response to Motion, filed.			
11-13-69	Order dismissing proceeding against deft., Arkansas Activities Association. Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed.			
9-17-70	Plff's. Motion for Further Relief, filed.			
10-23-70	Court Reporter's Stenotype notes of hearing held in chambers in Helena, Ark., October 21, 1970, in above case, filed.			
11-2-70	Motion to Revoke Plaintiff to make its motion for further relief more definite and certain, filed. Response to Motion for further relief, filed. Plaintiff's Notice to take Deposition, filed.			
11-3-70	2 plff's. deposition subps. retbl. 11-6-70, El Dorado, ret'd. as exec. WD/Ark., filed.			
11-6-70	1 plff deposition subp. duces tecum retbl., 11-6-70, El Dorado, ret'd. as exec. WD/Ark., filed.			
11-9-70	28 witness subps., issued in blank at the request of Mr. John Scott,			

DATE	PLAINTS-PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED TO ENROLLMENT RETURN
		PLAINT	DEFENDANT	
11-10-70	counsel for plff. and delivered to him. 32 witness subps., issued in blank at the request of Mr. John Scott, counsel for plff. and delivered to him. 4 subp. duces tecum issued in blank at the request of Mr. John Scott, counsel for plff. and delivered to him.			
11-11-70	5 plffs. subps. retbl., 12:30 p. m., Nov. 12, 1970, US Courtroom, El Dorado, ret'd. as exec. WD/Ark., filed. Deposition of Wayne Barrett taken Nov. 5, 1970, at El Dorado, Ark., upon notice and subpoena of plff., filed. Deposition of Glen M. Haynes taken Nov. 5, 1970, at El Dorado, Ark., upon notice and subpoena of plff., filed.			
11-12-70	3 plffs. subps. duces tecum, retbl. 12:30 p.m., November 12, 1970, US Courtroom, El Dorado, ret'd. as exec. WD/Ark., filed. 1 plff. subp. retbl 12:30 p. m., November 12, 1970, US Courtroom, El Dorado, ret'd. as exec. WD/Ark., filed. Hearing on government's motion for further relief. Evidence presented by government. Gov't. rests. Defts. calls no witnesses. Court's oral finding of fact and conclusions of law.			
11-13-70	13 plffs'. subps. retbl 1:30 p. m., Nov. 12, 1970, US Courtroom, El Dorado, ret'd. as exec. WD/Ark., filed. Court Reporter's Stenotype notes of hg. held November 12, 1970, filed. Court Reporter's notes of hg. held November 12, 1970, audographically reported, filed.			
11-17-70	Plff's. subp. retbl. Nov. 12, 1970, US Courtroom, El Dorado, ret'd. unexec. WD/Ark., filed. Plff's. subp. retbl. Nov. 13, 1970, US Courtroom, El Dorado, ret'd. unexec. WD/Ark., filed.			
11-20-70	Order enjoining deft. school board from assigning students to, or maintaining any homeroom, classroom or other school-related activity on the basis of race, color or national origin, and directing defts. to take immediate steps to reassign students on a non-racial and non-discriminatory basis; enjoining deft. school board from failing and refusing to provide bus routes and assign students so as to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis, and directing defts. to immediately redraw bus routes and reassign students on a non-racial basis; and directing defts. to file 30 days from date of this order a report with the Court. Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed.			
12-9-70	Defendants' Report to the Court, filed.			
12-15-70	Application for Intervention with proposed Notice of Appeal attached filed by Mrs. Ruthie B. Love, et al, plaintiffs in ED-70-C-51.			
12-21-70	Hg. on application for intervention filed by plffs. in ED-70-C-51 Statements of counsel. At request of counsel for intervenors, court reserves ruling on application for intervention until after hg. in ED-70-C-51 set for 1-14-71.			
3-13-71	Pre-trial Conference.			

CIVIL NO. 1

D.C. 1974 Bar Civil Docket Consolidation

DATE	PROCEEDINGS
	Counsel for pliff. and deft. appear and agree that there is nothing that needs to be done in the case. Court directs that case be placed on inactive docket; that it may be reopened upon proper petition filed.
5-20-74	Order entered ED-70-5-11: Order dd May 17, 1974 dismissing case; further directing removal from the docket the companion case, Civil 1095, but retaining jurisdiction therein. Order filed. Copy of order mailed to counsel. Copy of transmittal letter filed.